

*MAILED TO COUNSEL*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAHEEM DAVIS, : 07 CV 6043 (LAP) (MHD)Plaintiff, : ORDER

v. :

SINGE, P.O. STEVEN VENTIMIGLIA :
and JOHN DOE OFFICERS, :

Defendants. :

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LORETTA A. PRESKA, United States District Judge:

Having reviewed Plaintiff's letter dated February 9, 2009, he appears to request leave to file an interlocutory appeal of 1) the Court's failure to docket motions that he claims to have filed and 2) of the Court's January 20, 2009 order adopting Magistrate Judge Dolinger's R&R. Those orders are not final orders, and there is no reason to deviate in this instance from the rule that only final orders are appealable. The Court finds that the orders at issue do not involve a controlling question of law as to which there is substantial ground for difference of opinion or that an immediate appeal from the order may materially advance the ultimate termination of the litigation. See U.S.C. § 1292(b). Accordingly, the request for leave to file an interlocutory appeal is denied.

In his letter, Plaintiff also apparently requests a schedule for his filing of a summary judgment motion. According to the docket sheet, however, Plaintiff filed that motion on February 18, 2009 [dkt. no. 45]. Accordingly, Plaintiff and defense counsel shall confer and inform the Court by letter of the proposed schedule on Plaintiff's

summary judgment motion or of how they otherwise propose to proceed. I note, however, that, as indicated on page two of Magistrate Judge Dolinger's Report and Recommendation dated December 29, 2008, summary judgment might well be premature in that "defendants have not even had an opportunity as yet to depose the plaintiff."

Finally, Plaintiff requests that he be provided, free of charge, a Pro Se Trial Ready Manual. Until the case is trial ready, however, such a request is premature and might well result in Plaintiff's receiving a manual which, by the time of trial, is out of date. Accordingly, that request is denied as premature.

SO ORDERED:

Dated: February 20, 2009



LORETTA A. PRESKA, U.S.D.J.

07CV6043order